

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ERMA LLOYD,

Plaintiff,

:

v.

ACADEMY COLLECTION SERVICES, INC.;
PETE;
DORIS.

:

:

:

:

Civil Action No.:

Defendants.

COMPLAINT

A. Jurisdiction and Venue

1. Jurisdiction arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §§ 1331, 1337(a), together with the pendent jurisdiction of the court. Supplemental jurisdiction over Plaintiff's state law claims is granted by 28 U.S.C. § 1367(a). Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

2. Venue lies in this judicial district in that the events which gave rise to this claim occurred here and the property which is the subject of the action is situated within this district.

B. Parties

3. Plaintiff Erma Lloyd is a natural person who resides at 539 West Godfrey, Philadelphia, PA 19126.

4. Defendant ACADEMY COLLECTION SERVICES, INC. is a corporation with principal offices at 10965 Decatur Road, Philadelphia, PA 19154. Defendant regularly attempts to collect debts alleged to be due another and is a debt collector as defined by 15 U.S.C. §1692a(6).

5. Defendant Pete is a natural person employed by Defendant as a collection agent and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

6. Defendant Doris is a natural person employed by Defendant as a collection agent and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

C. Factual Allegations

7. Prior to the collection activity hereinafter described, plaintiff had a credit card debt with Bank of America [hereinafter “the debt”].

8. Prior to the collection activity hereinafter described, plaintiff made an agreement with Academy to pay down the debt through bi-weekly payments of \$100.00.

9. On or about April, 2008, after approximately two (2) weeks of making the aforesaid payments defendant Academy continued collection calls to collect the debt in one lump sum payment.

10. Thereafter and continuing to the present, defendant Academy has called plaintiff’s place of work, the Offices of Pennsylvania State Senator Shirley Kitchen every day of the work week and every day of the week placed calls to plaintiff’s home to speak to plaintiff about the debt.

11. More specifically, defendant Academy, by and through its employees, has placed the following specific calls to plaintiff to collect the debt:

- a) April, 2008 – Defendant Pete calls plaintiff at work and in an aggressive tone offensive to plaintiff stated “you created the debt” “you need to pay the whole thing now”. After plaintiff explained that was all she could afford, defendant Pete placed plaintiff on hold for 3 minutes and upon return to the phone line advised “our records show you can pay more” without reference to what records he was

referring to;

- b) Defendant Doris called plaintiff every other day after plaintiff had been paying installments towards the debt and advised her paying in installments is not enough, “you can pay more” in an effort to have her satisfy the entire debt.

12. When contacted initially at her place of employment, plaintiff advised defendants that she was not permitted to take such calls at work and to desist further from such calls.

13. On or about May 23 and 28, 2008, Doris called plaintiff’s place of work and communicated with the receptionist Bonita Myricks, first in a friendly tone, “Hi is this is Doris, is Erma there?” and then, when told by Ms. Myricks that she was unavailable and could take a message, stated in an irritated tone, “I’m calling about her debt”.

D. Cause of Action

Violations of the FDCPA

14. At all times relevant hereto Defendants were attempting to collect an alleged debt to it which was incurred for personal, family or household purposes and is a “debt” as defined by 15 U.S.C. § 1692a(5).

15. Defendants, by their conduct as described above, violated the FDCPA as follows:

- a) §1692d, By securing an installment payment agreement and then seeking to breach it by pursuing collection of a full payment engaged in conduct the natural consequence of which is to harass, oppress, or abuse a person;
- b) §1692f, By securing an installment payment agreement and then seeking to breach it by pursuing collection of a full payment engaged in unfair or unconscionable means to collect or attempt to collect the alleged debt
- c) §1692d(5), By the volume of repeated calls, engaged in conduct the natural consequence of which is to harass, oppress, or abuse a person;
- d) §1692d(2), Used abusive language;

- e) §1692c(A)(3), After being advised to desist, continued to contact place of employment knowing that the employer prohibits such communications
- f) § 1692 b(2) Contact of Third Party: Stated that the consumer owes any debt.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that defendants' conduct violated the FDCPA.
- B. Statutory damages pursuant to 15 U.S.C. § 1692k;
- C. Damages for emotional distress;
- D. Reasonable attorney fees and costs.

TRIAL BY JURY

15. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

Dated: June 24, 2008

RC 935
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